

**Frequently Asked Questions regarding Delaware's Directory of  
Cigarette Brands and Brand Families Approved for Stamping and Sale**  
(Delaware Tobacco Settlement Act of 1999, Chapter 60D)

- **What is the Delaware Directory?**

The Delaware Attorney General is mandated by Title Twenty-nine, Chapter 60D of the Delaware Code to develop and publish on its website a directory listing all tobacco product manufacturers, their Brands and brand families that have provided current and accurate certifications conforming to the requirements under Chapter 60C of the Delaware Tobacco Settlement Act.

**What is the status of Cigarettes that are not included in the Directory?**

No person may sell, offer or possess for sale or import for personal consumption in this state, Cigarettes of a Tobacco Product Manufacturer or Brand Family not included in the Directory.

**Non-Participating Tobacco Manufacturers:** Pursuant to 30 *Del. C.* § 6085 (2)(a)(1) and (2) Enforcement Provisions of Delaware Tobacco Settlement Act of 1999:

1. The Attorney General shall not include or retain in such Directory the name or Brand Families of any Non-Participating Manufacturer that has failed to provide the required certification or whose certification the Attorney General determines is not in compliance with Subsections (a)(2) and (3), of Chapter 60D, Section 6085 unless the Attorney General has determined that such violation has been cured to the satisfaction of the Attorney General.
2. Neither a Tobacco Product Manufacturer nor Brand Family shall be included or retained in the Directory if the Attorney General concludes, in the case of a Non-Participating Manufacturer, that (i) any escrow payment required pursuant to Chapter 60C of Title 29 of the Delaware Code for any period for any Brand Family, whether or not listed by such Non-Participating Manufacturer, has not been fully paid into a Qualified Escrow Fund governed by a qualified escrow agreement that has been approved by the Attorney General, or (ii) any outstanding final judgment, including interest thereon, for violation of Chapter 60C of Title 29 of the Delaware Code has not been fully satisfied for such Brand Family or such manufacturer.

- **What is a Tobacco Product Manufacturer?**

“Tobacco Product Manufacturer” has the same meaning given in that term in Section 6081(i) of Title 29 of the Delaware Code.

- **What is the difference between a Participating Manufacturer and a Non-Participating Manufacturer?**

A “Participating Manufacturer” is a Tobacco Product Manufacturer that is or becomes a signatory to the Master Settlement Agreement, provided that the manufacturer meets the requirements of Section II(j) of the MSA and all amendments thereto.

A “Non Participating Manufacturer” means any Tobacco Manufacturer that is not a Participating Manufacturer.

- **What is a Brand Family?**

“Brand family” means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol", "lights", "kings", and "100s", and includes any brand name (alone or in conjunctions with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of Cigarettes.

- **How does a Tobacco Product Manufacturer get its name and Brand Family included in the Directory?**

A Tobacco Product Manufacturer may apply for inclusion in the Directory by completing the certification process described in Title 29, Chapter 60D, Section 6085 of the Delaware Code under Certifications; Directory; Tax Stamps, including executing and delivering to the Attorney General the Certification form.

- **May a Brand Family be stamped or sold if it is manufactured by a Tobacco Product Manufacturer other than the manufacturer listed in the Directory, or if the Brand Family is not listed in the Directory but is manufactured by a Tobacco Product Manufacturer that is listed in the Directory?**

No. It is unlawful for any person (1) to affix a stamp to a package or other container of Cigarettes of a Tobacco Product Manufacturer or Brand Family not included in the Directory, and (2) to sell, offer or possess for sale in Delaware, Cigarettes of a Tobacco Product Manufacturer or Brand not included in the Directory. (29 Del. C. § 6085 (4)(a)).